(SRI K. V. SHANKARA GOWDA)

ordered postings even against the places held by local candidates relieving such local candidates irregularly. On the representation of such relieved local candidates, the Director of Public Instruction drew the attention of the Deputy Director of Public Instruction, Dharwar Division, to the irregularity committed in having relieved the local candidates, who were actually working at the time and making available the vacancies released thereby in favour of the School Board Teachers. The Deputy Director of Public Instruction has been instructed to take back the local candidates relieved irregularly, pending further examination of the entire matter. There was thus no promotion of School Board teachers.

SPEAKER'S RULING ON THE PRIVILEGE QUESTION RAISED BY SRI K. H. PATIL *re*: CLOSURE OF THE RURAL INSTITUTE, HANUMANMATTI.

MR. SPEAKER.—Now, I have to give a ruling on the matter raised by hon. member Sri K. H. Patil.

"In an undated letter..."

† SRI K. H. PATIL (Gadag).—Sir, before the ruling is announced, I would like to request you to give me an opportunity to say that after hearing Sri S. R. Kanthi who made an appeal to you that if need be, I am prepared to correct my statement. If he corrects his statement or thinks that a wrong is committed, then the question may be considered. Otherwise, if Ministers are allowed to make any statement contrary to the fact, contrary to their own documents, it would be very difficult for the House to believe it. Therefore, it is necessary in the interest of justice and in the interest of keeping the decorum of this House that hon. Minister Sri Kanthi should be given an opportunity to make a statement before your ruling is pronounced. If he is thoroughly convinced, let him say; "I have committed wrong and I regret for it". If that is the case, the House may consider otherwise.

MR. SPEAKER.—I am concerned on a point of privilege and a letter.....

SRI K. H. PATIL.—After the decision is given in one way or the other, we cannot comment or say anything pertaining to the ruling. Therefore, it is better that the hon. Minister may have a say on the matter, because on that day, he was not fully heard.

MR. SPEAKER.—I am not aware that he has not been fully heard or the ruling will deal only with the point raised. I was reading the ruling.

In an undated letter, which must be round about the 2nd week of July, the hon. Member Sri K. H. Patil raised a question that there has been a breach of privilege. In support of it, he referred to what the hon. Minister Sri S. R. Kanthi said on the floor of the House, when the matter of an educational institution financed by the Central Government run in the District of Dharwar was being dealt with. He extracted a sentence or two from the proceedings dated 16th March 1967. To contradict the version contained therein, he attached to his letter, a reply dated 11th July 1967, received by him from the hon. Minister for Education. The contradiction is said to lie with the hon. Minister when he told the House that the Government of India had given instruction to close the entire Institute but that the Ministry of Education, Mysore, made representation that it should not be closed. In the reply dated 11th July 1967, it is stated : "There was no question of the Central Government ordering the Rural Institute to be closed down."

When the hon. Minister was asked about this matter, he showed the concerned files, one of which may have perhaps escaped the attention of the hon. Minister for Education when he wrote the reply dated 11th July 1967. By an earlier communication, the Central Government had directed that pending further instructions from the Central Government, no admissions should be made to the Institute. This was about the time of the commencement of the education year. The State Government and perhaps the then hon. Minister for Education Sri S. R. Kanthi pressed upon the Government of India not to stick to the order directing that there should be no admissions. Later on, it is said the Central Government agreed to the admissions.

The hon. Member has also said that there is another observation of the hon. Minister Sri S. R. Kanthi in Kannada which runs as follows :

"ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಕೊಟ್ಟಿದ್ದಾರೆ, ನಾನೇನೂ ಕೊಟ್ಟಿಲ್ಲ."

The suggestion of the hon. Member is that the hon. Minister has made a deliberate untrue statement to the House and, therefore, has committed contempt of the House and there is breach of privilege.

There appears to be a slight mixing up of the ideas. There are two aspects ; One is as to what is the consequence of a wrong information furnished by the Minister, and the other is as to whether, in truth, there is such a deliberate and intentional false statement made with a view to mislead the House. Having bestowed my anxious attention on this matter, I have no hesitation in coming to the conclusion that there is no contempt and that there is no breach of privilege of the House. I am even satisfied that there is no *prima facie* breach of privilege which would persuade me to give consent for the matter being brought before the House. In the first instance, with regard to the premise that there is any inaccurate statement or a wrong information is furnished by the hon. Minister to the House, there is a definite procedure to be adopted for rectifying such matters. It does not amount to a breach of privilege. The hon. Member does not seem to be clear in his mind

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as to what exactly is the nature of the particular privilege which is so breached and, therefore, it becomes necessary for the Presiding Officer or the House to take action thereon. Such matters do not arise for the first time now, nor in the instant case. The Speaker of Lok Sabha has issued Direction No. 115 long time back. Therein, it is provided that : "(1) a Member wishing to point out any mistake or inaccuracy in a statement made by the Minister or any other Member shall, before referring the matter in the House, write to the Speaker pointing out the particulars of the mistake or inaccurancy and seek his permission to raise the matter in the House." This is certainly not by way of privilege. Further steps to be taken by the Member are :

(2) That he may place before the Speaker such evidence as he may have in support of his allegations.

The action to be taken by the Speaker is that if he thinks fit, bring the matter to the notice of the Minister or the Member concerned for the purpose of ascertaining the factual position in regard to the allegation made. Thereafter, the Speaker may, at this stage, if he thinks it necessary, permit the Member who made the allegation to raise the matter in the House and the Member so permitted shall, before making statement, inform the Minister or the Member concerned.

Naturally, the Minister or the member concerned may make a statement in reply with the permission of the Speaker and afer having informed the other Member concerned.

That is how a matter, which is said to have contained matters which are deviations from the correct position, should come about in the information furnished by the hon. Minister. These matters have also been viewed when an approach has been made, as a breach of privilege.

On 5th August 1957, a member of the Madhya Pradesh Vidhana Sabha mentioned that the Minister, in reply to an adjournment motion, had given incorrect information. The Speaker ruled that giving wrong information, whether intentionally or unintentionally, did not constitute a breach of privilege. On 17th June 1952, a member of the Lok Sabha raised the point that the speech of another member in the House constituted breach of privilege and after dealing with the matter, the Privilege Committee held that the inference drawn by the Member who raised the matter was not well-founded and therefore, there was no breach of privilege.

In the instant case, the position reduces itself as to the interpre tation to be placed upon the communication from the Central Government wherein undoubtedly the Central Government has said that admission should not be made. The interpretation of the hon. Minister is that it is a direction initially amounting to a closure, which is also the consequence, namely, that admission cannot be made when closure is ordered. The hon. Minister further says that though the word ' closure '

is not found there, the understanding by him is correct. In any event, he has asserted that he had not the least idea of giving any wrong information to the House. If students are not admitted for any particular class in any particular year, it may be that it does not amount to a closure of the whole Institute, because it is not one class that is run by the Institute. At the same time, in so far as the primary point of the inflow of annually-admitted students is concerned, it is closure in effect. The hon. Minister by his persistent efforts tried to keep all the classes running, is also gathered from the papers shown to me. Therefore, I cannot persuade myself to come to the conclusion that the Minister has misled the House or had a desire to mislead the House.

On 28th February 1958, a member of the Uttar Pradesh Vidhana Sabha raised a question that the Chief Minister had committed breach of privilege by giving false information about the construction of houses by some officers. After the Chief Minister explained the position, the Speaker ruled out the motion of privilege on the ground that the Chief Minister had not given any deliberate wrong information to the House and that the House could press the Chief Minister to take action against officers responsible for furnishing wrong information.

On 11th February 1958, the Speaker, Lok Sabha upheld the compliance with the Direction 115.

On 13th February, in his ruling, the Speaker observed:

> "Inconsitent statement is a mere irregularity even though deliberately made. If a Minister made an incorrect statement even deliberatelly, that may be a matter of misconduct. Misconduct on the part of a Minister ought not to be raised by way of contempt of the House. There are other methods such as censure, etc."

There are a few other rulings also, excepting the Profumo case in the House of Commons, which need not be detailed here. It will be seen that the Profumo case and the action taken by the House of Commons, has no bearing on the matter in issue before this House. It is said that a Minister of the Government (Profumo) had made a deliberate false statement to the House on a prior occasion and he admitted that he had made it deliberately and to suit his own purposes at that time. And the matter was not considered as a breach of privilege or referred to a Committee of Privileges on whose report the action was to be taken.

The House is at liberty to discuss any resolution if there is misconduct on the part of the Minister. The House is at liberty to propose a resolution and deal with it and come to any conclusion. And such a course does not arise here and is not before me for consideration.

In the result, I cannot give the consent required by the hon. Member Sri K. H. Patil.